

Co-operatives Act 1996

Manner of Conducting Postal Ballots

Ballots

The board must-

- (a) cause the details of the proposal upon which the ballot is to be held to be set out in a statement; and
- (b) fix the dates for-
 - (i) the forwarding of ballots to members; and
 - (ii) the closing of the ballot; and
 - (iii) appoint a returning officer for the ballot.

Every ballot must be conducted by the returning officer appointed by the board.

Returning officers

A director of the co-operative may not be appointed as a returning officer.

The returning officer may be assisted in the performance of his or her duties by any person (who would be eligible to be a returning officer) appointed by the returning officer.

Preparation of the voting roll and the ballot papers

The returning officer must prepare a roll of the full names and addresses of the members of the co-operative, as disclosed by the register of members, directors and shares, together with particulars of the number of votes each member would be entitled to exercise upon a poll.

A person whose name is on the roll is entitled to vote in the ballot, and no person is otherwise so entitled.

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The Federation strongly recommends that each co-operative obtains its own professional advice to ensure that the specific circumstance of the co-operative are taken into account.

The returning officer must cause ballot papers to be prepared in or to the effect of Form 1 in Schedule 3 of the Co-operatives Regulations 1997.

Each ballot paper must be initialled by the returning officer or an appointed assistant.

The returning officer must, at least 21 days prior to the date fixed for the closing of the ballot, send by post or otherwise deliver to every member entitled to vote in the ballot one set of the following material-

- (a) one ballot paper;
- (b) an envelope (the outer envelope) addressed to the returning officer;
- (c) a smaller envelope (the middle envelope), the reverse side of which must be printed in or to the effect of Form 2 of Schedule 3;
- (d) a small envelope (the inner envelope) into which the ballot paper is enclosed;
- (e) a copy of the statement prepared by the board setting out the details of the proposal upon which the decision of the members is to be sought.

Duplicate ballot papers

The returning officer may send a duplicate ballot paper to any voter if the returning officer is satisfied-

- (a) that the voter has not received a ballot paper; or
- (b) that the ballot paper received by the voter has been lost, spoilt or destroyed and that the voter has not already voted.

Voting

A member can cast a vote in the ballot by-

- (a) completing the details on the reverse side of the middle envelope; and
- (b) marking their vote on the ballot paper according to the instructions on the ballot paper; and
- (c) sending the ballot paper, in the envelopes provided, to the returning officer.

Safe keeping of ballot papers

The returning officer must provide a ballot box which must be locked immediately before the ballot papers are delivered to members (as outlined above and must remain locked until the close of the ballot).

The returning officer must place the outer envelopes in the ballot box no later than noon on the date fixed for the closing of the ballot.

Counting of the votes

Ballot papers received after noon on the date fixed for the closing of the ballot must not be taken into account at the ballot.

As soon as practicable after noon on the date fixed for the closing of the ballot, the returning officer must, in the presence of such scrutineers as may be appointed by the board, open the ballot box and deal with the contents as follows:

The returning officer must-

- (a) remove the middle envelope from the outer envelope;
- (b) where a duplicate outer envelope has been issued and the original outer envelope is received, reject the original envelope and mark it "rejected"; and
- (c) according to the information on the middle envelope, for each set of voting papers returned, mark the voter's name on the roll by drawing a line through the name; and
- (d) if a member's name has already been crossed out on the roll, reject the postal vote and mark it "rejected"; and
- (e) if the middle envelope has not been signed, or if the details shown on the envelope are not sufficient to disclose by whom the vote is being exercised, reject the envelope and mark it "rejected"; and
- (f) extract the inner envelopes containing the ballot papers from all unrejected middle envelopes, separating the contents from the middle envelopes in such a way that no inner envelope could subsequently be identified with any particular voter; and
- (g) when all middle envelopes have been dealt with in the above manner, open all unrejected inner envelopes and take the ballot papers from them.

The ballot papers must be scrutinised by the returning officer who must reject as informal any ballot paper that-

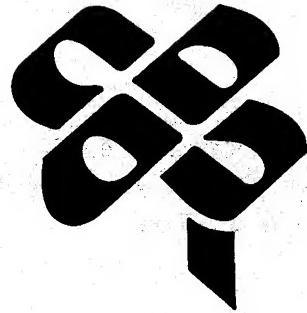
- (a) is not duly initialled by the returning officer; or
- (b) is so imperfectly marked that the intention of the voter cannot be ascertained by the returning officer; or
- (c) has any mark or writing not authorised by the Regulations which, in the opinion of the returning officer, will enable to voter to be identified; or
- (d) has not been marked as prescribed by the ballot paper itself.

The decision of the returning officer as to the formality of any ballot paper is final and there shall be no appeal from the decision.

Statement by returning officer

The returning officer must count all votes cast and make out and sign a statement of-

- (a) the number of formal votes cast in favour of the proposal; and
- (b) the number of formal votes cast against the proposal; and
- (c) the number of informal votes cast; and
- (d) the number of envelopes marked "rejected"; and
- (e) the proportion of the formal votes polled which were in the affirmative.



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The returning officer must forward a copy of the statement to the chairperson of the co-operative who must announce the result at the next general meeting.

Notification of the result of the ballot

A co-operative must give notification of the result of the ballot (other than a ballot conducted to alter the rules of a co-operative) by displaying on the notice board at the registered office of the co-operative.

In the case of a postal ballot conducted to alter the rules of a co-operative, the co-operative must cause the result of the ballot to be notified in writing to its members as soon as practicable after the alteration takes effect and, in any event, no later than the date on which the notice is given to the members of the next annual general meeting of the co-operative following the date on which the alteration takes effect.

Retention of ballot papers

The returning officer must retain-

- (a) all the ballot papers (whether formal or otherwise); and
- (b) all rejected outer envelopes; and
- (c) all rolls,

used in connection with the conduct of the postal ballot, locked in the ballot box until the returning officer has been directed in writing by the board that the items referred to may be destroyed. □